

**REMARKS/ARGUMENTS**

Reconsideration of the present application, as amended, is respectfully requested.

Since the present supplemental amendment raises no new issues for consideration and, in any event, places the present application in better condition for consideration on appeal, it is respectfully requested that this supplemental amendment be entered under 37 C.F.R. § 1.116 in response to the last Office Action dated July 9, 2008, which made final rejections as to the pending claims.

**A. Supplemental Amendment**

On October 9, 2008, Applicant submitted an amendment which inadvertently canceled claim 13 in reply to a rejection under §112 for a lack of antecedent basis.

The current supplemental amendment reintroduces the subject matter of claim 13 as new claim 17. New claim 17 depends from claim 4, and also includes the subject matter of claim 2. New matter has not been introduced and the claim has proper antecedent basis under §112.

It is submitted that the current supplemental amendment should be entered in response to the final Office Action, since only the subject matter of previously examined claims has been presented.

**B. Fees**

No fee is believed to be due. If, on the other hand, it is determined that fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

C. Conclusion

In view of the actions taken and arguments presented, it is respectfully submitted that each and every one of the matters raised by the Examiner has been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: 

Timothy D. Meade  
Registration No. 55,449

LUCAS & MERCANTI, LLP  
475 Park Avenue South  
New York, NY 10016  
Phone: 212-661-8000  
Fax: 212-661-8002

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this document is being electronically transmitted to the Commissioner for Patents via EFS-Web on October 15, 2008.

LUCAS & MERCANTI, LLP

By: 

Timothy D. Meade